

## Receiving Water Limitations (RWL) Compliance Report FY 2007-2008

*Based on the Regional Water Quality Control Board Notice of Violation ("NOV") dated March 4, 2008, the City of West Hollywood is required to check "yes" to question I.B and to file a Receiving Water Limitations Compliance Report. As set forth in the City's response to the NOV and in the report that follows, the City does not necessarily concede responsibility for the alleged exceedances that are the subject of the NOV and is providing this information as a good faith means of fully apprising the Regional Board of its activities and to comply with the provisions of the MS4 permit. If the water quality standards by which the alleged exceedances were gauged are found by a court or otherwise to be invalid and the exceedances referenced in the NOV are no longer exceedances of any applicable water quality standards, or should the NOV be otherwise nullified or rescinded, the City reserves the right to amend its answer to question I.B and withdraw the submittal of the RWL Compliance Report.*

### **1. Description of the pollutants that are in exceedance and an analysis of possible sources.**

The City received a Notice of Violation (NOV) from the Los Angeles Regional Water Quality Control Board on March 4, 2008, for bacteria exceedances identified at a monitoring station along the Santa Monica Bay. The NOV indicated that during the two years since the summer dry-weather Santa Monica Bay Beaches Bacteria TMDL became effective on July 15, 2006, bacteria exceedances of total coliform, fecal coliform, and enterococcus associated with samples collected at the SMB BC-01 monitoring site under the Coordinated Shoreline Monitoring Plan had been identified. The dates of the violations cover a time period from September 2006 through October 2007.

The City of West Hollywood discharges storm water via regional underground storm drains into Ballona Creek, a subwatershed of Santa Monica Bay. West Hollywood is located upstream, approximately 10 miles from monitoring site BC-01 and is responsible for only 3% of the land use impacts on Ballona Creek, even less so for the Santa Monica Bay. There is no evidence that the causes of the violations originate in West Hollywood and it is unclear what the sources of bacteria are before inauguration of the Ballona Creek TMDL, a separate bacteria TMDL to address bacteria impairments more directly in Ballona Creek and its tributaries that is currently at its inception.

The activities proposed under this TMDL are expected to directly achieve the targets for bacteriological water quality objectives for the Ballona Creek. Additionally, the monitoring plan for the Ballona Creek Bacteria TMDL was submitted to the Regional Water Quality Control Board in April of 2008. The bacteria monitoring required under the upcoming Ballona Creek TMDL will be more applicable to the City of West Hollywood and will provide a better understanding of the origination of any bacteria discharging from the MS4 in the Ballona Creek.

The City has a negligible contribution, if any, for any discharges into the Santa Monica Bay and does not believe that the exceedances at BC-01/Dockweiler Beach listed in the NOV originate from the City of West Hollywood.

The City of Los Angeles, Department of Status and Trends, has been monitoring sites upstream from the mouth of Ballona Creek since 2002. The City of West Hollywood only discharges into one of those sites, near La Cienega and National Blvd.; this particular site, in Reach 1 of Ballona Creek and designated for REC-2 uses, has had a 96% compliance rate for bacteria over the monitoring period from January 2002 to January 2007.

Given the high compliance rate at the monitoring site at the upper reach of the Ballona Creek and the diminutive contribution to any discharges into the Santa Monica Bay, the City of West Hollywood contends that any bacteria found at Dockweiler Beach does not originate within the City of West Hollywood.

## **2. A plan to comply with the RWL.**

The allegations in the NOV related to exceedances of the Santa Monica Bay Beaches Bacteria TMDL; the bacteria monitoring required under the upcoming Ballona Creek TMDL will be more applicable to the City of West Hollywood and will provide a better understanding of the origination of any bacteria discharging from the MS4 in the Ballona Creek. The activities proposed under this TMDL are expected to directly achieve the targets for bacteriological water quality objectives for the Ballona Creek. Along with other cities in Ballona Creek, West Hollywood is preparing an Implementation Plan for the Ballona Creek TMDL; approval from the Regional Water Quality Control Board (Board) is still required.

## **3. Changes to the SQMP to eliminate water quality exceedances.**

The City follows the model SQMP and has already implemented site specific best management practices such as waterbrooms for priority businesses, placement of 42 pet waste stations, catch basin debris excluders for heavily traveled arterials, cleaning out catch basins, having porous pavement parking lots, providing daily streetsweeping, carefully maintaining and monitoring sewage lines to prevent any discharges into the MS4, hand pickup of litter, implementing aggressive homeless and social services outreach programs so that homeless encampments are not known in the city, discouraging human urination in alleys and other public rights of way by providing free access to public restrooms at all City parks, City Hall, La Brea Gateway Shopping Center, and other locations, requiring the exclusive franchise trash hauler to clean, disinfect, and inspect all customer bins for refuse and green waste twice per year, as well as all customer

recycling bins once per year (preventing the accumulation of bacteria which could drip into streets and gutters from trash bins), requiring the exclusive franchise trash hauler to collect and dispose of all solid waste collected from 140 City owned street-side trash containers daily and requiring the hauler to clean and disinfect all such containers and accompanying bus benches at least once per month.

#### **4. Enhanced monitoring to demonstrate compliance.**

A Bacteria Monitoring Plan has been prepared with other cities in Ballona Creek pursuant to the Ballona Creek TMDL and has been submitted to the RWQCB for approval. The City is awaiting approval of the plan.

Under the provisions of the monitoring plan and the TMDL implementation plan that is currently being drafted, the responsible agencies will have the opportunity to engage in monitoring and source identification activities to determine locational or biological origin of any bacteria for the subwatershed.

For purposes of this response regarding bacteria identified at BC-01, it is important to note that the one drain that the City of West Hollywood discharges to is the best performing site in the Ballona Creek, with a 96% rate of compliance for bacteria.

#### **5. Results of implementation.**

Under the provisions of the monitoring plan and subsequent implementation plan, the responsible agencies will have the opportunity to engage in monitoring and source identification activities to determine locational or biological origin of any bacteria for the subwatershed.

For purposes of this response regarding bacteria identified at BC-01, it is important to note that the one drain that the City of West Hollywood discharges to is the best performing site in the Ballona Creek, with a 96% rate of compliance for bacteria. Given the high compliance rate at the monitoring site at the upper reach of the Ballona Creek and the diminutive contribution to any discharges into the Santa Monica Bay, the City of West Hollywood contends that any bacteria found at Dockweiler Beach does not originate within the City of West Hollywood.